

### REMARKS

Applicant requests reconsideration of the application as amended. Claims 19, 21-22, 25, and 27-28 have been cancelled. The foregoing amendment and the following arguments are provided to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

#### 35 U.S.C. § 112 Rejections

Examiner rejected claims 1-16 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1, 7, and 14 have been amended accordingly. Therefore, applicant submits that all claims comply with 35 U.S.C. § 112, first paragraph and respectfully requests withdrawal of the rejections.

Examiner rejected claims 1-28 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, 7, 14, 20, 23, and 26 have been amended accordingly. Therefore, applicant submits that all claims comply with 35 U.S.C. § 112, second paragraph and respectfully requests withdrawal of the rejections.

#### 35 U.S.C. § 102 (e) Rejections

Examiner rejected claims 1-6, 17-19 and 23-25 under 35 U.S.C. 102(e) as being anticipated by Gerszberg (US 6,424,646).

Independent claim 1 includes limitations not disclosed or suggested by Gerszberg. In particular, the claims include the limitation, or limitation similar thereto, of the radio transceiver to receive a **service discovery request** based on a BLUETOOTH™ standard from a wireless communication device.

As stated by Examiner, Gerszberg does not teach the radio transceiver to receive a service request based on a BLUETOOTH™ standard. (Office Action dated 06/01/2005, item 10). Furthermore, Gerszberg fails to disclose the radio transceiver to receive a **service discovery request**, as is claimed by Applicant.

Rather, Gerszberg discloses allowing the user to select a particular high fidelity radio channel and obtaining a digitized radio channel and outputting the digital audio. A digital telephone may be connected to the audio interface 122 such that a user may select any one of a number of digital audio service channels by simply having the user push a digital audio service channel button on the telephone and have the speaker phone output particular channels. Further, a user may select any number of services on the video phone and/or other user interface. (Gerszberg, col. 4, line 63- col. 5, line 10).

Although Gerszberg discloses a user to select a radio channel and other services listed on the particular device through a screen display, Gerszberg fails to disclose a **service discovery request**, as is claimed by Applicant. In particular, user-selectable options do not comprise a service discovery request.

Therefore, since Gerszberg fails to disclose each and every element of the claimed limitations and there is no suggestion or motivation to modify Gerszberg to include the above limitations. Independent claims 7, 14, 17, 20, 23, and 26 recite limitations similar to those in claim 1. Thus, the independent claims 1, 7, 14, 17, 20, 23, and 26 are patentably distinct from Gerszberg.

Furthermore, the remaining claims depend from at least one of the independent claims discussed above, and therefore include the distinguishing limitations of the independent claims. As a result, Applicant's remaining claims are also patentable over Gerszberg.

### 35 U.S.C. § 103 (a) Rejections

Examiner rejected claims 7-16, 20-22 and 26-28 under 35 U.S.C. §103(a) as being unpatentable over Gerszberg in view of Foley (US 6,069,899) and admitted prior art (pages 1 and 2 of Background).

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180, USPQ 580 (CCPA 1974). (Manual of Patent Examining Procedure (MPEP) ¶ 2143.03).

As previously discussed, the independent claims include limitations not disclosed or suggested by Gerszberg. In particular, claim 1 includes the limitation, or limitation similar thereto, of the radio transceiver to receive a **service discovery request** based on a BLUETOOTH™ standard from a wireless communication device.

Gerszberg fails to disclose such limitations. Furthermore, Foley makes no mention or suggestion of a radio transceiver to receive a service discovery request. Therefore, the combination of Gerszberg and Foley does not teach or suggest each and every limitation of independent claim 1. Independent claims 7, 14, 17, 20, 23, and 26 recite limitations similar to those in claim 1 discussed above. Furthermore, neither Gerszberg nor Foley provide any motivation to perform such an operation.

Additionally, independent claim 7 includes limitations not disclosed or suggested by Gerszberg. In particular, the claims include the limitation, or limitation similar thereto, of a network circuit to couple to the transmission line, the **network circuit to transmit at a first frequency range** on the transmission line, a modem to couple to the wide area network (WAN) through the transmission line, the **modem to transmit at a**

**second frequency range** on the transmission line, a digital/analog (D/A) converter to couple to the telephone network through the transmission line, the **D/A converter to transmit at the second frequency range** on the transmission line.

As stated by Examiner, Gerszberg does not teach using a second frequency range for WAN. (Office Action dated 06/01/2005, item 10). However, Examiner cites Foley for such teaching.

Foley also fails to disclose a **network** circuit to transmit at a **first** frequency range, and the **modem and the D/A converter** to transmit at a **second** frequency range, as is claimed by Applicant. As mentioned by Examiner, Foley discloses ADSL upstream band 402 and an ADSL downstream band 403. (Foley, col. 6, lines 36-37). Furthermore, Foley discloses a separate POTS band and a separate HAN band. (Foley, figs. 4A and 4B).

Although Foley discloses a separate frequency band for ADSL, a separate frequency band for POTS, and yet another separate frequency band for HAN, Foley does not disclose **both the modem** (to couple to the WAN) **and the D/A converter** (to couple to the telephone network) **to transmit at a second frequency range**, as is claimed by Applicant.

Therefore, the combination of Gerszberg and Foley does not teach or suggest each and every limitation of claim 7. Independent claims 20 and 26 recite limitations similar to those in claim 7 discussed above, and in at least some cases, additional limitations. Furthermore, neither Gerszberg nor Foley provide any motivation to perform such an operation.

The remaining claims depend from one of the independent claims discussed above and therefore also include the distinguishing claim limitations. As a result, the remaining claims are also not anticipated and are patentable.

### CONCLUSION


Applicants respectfully submit the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Naya Chatterjee at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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